



# HOGAN & HARTSON

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June 2, 2005

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**BY HAND DELIVERY**

Federal Communications Commission  
Office of Secretary

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Attention: Audio Division, Media Bureau

Re: San Francisco Unified School District  
FRN: 0008-7346-83  
Noncommercial Station KALW(FM),  
San Francisco, California  
Facility ID No. 58830  
Amendment to Application for Renewal of License  
File No. BRED-19970801YA

Dear Ms. Dortch:

On behalf of the San Francisco Unified School District, the licensee of noncommercial station KALW(FM), San Francisco, California, enclosed for filing is an original and four copies of an amendment to the above-referenced application for renewal of license.

Federal Communications Commission	
Docket No. <u>04-161</u>	Exhibit No. <u>76</u>
Presented by <u>SFU SD</u>	
Disposition	Identified <u>6/6/05</u>
	Received <u>6/6/05</u>
	Rejected _____
Reporter <u>E. Stadnick</u>	
Date <u>6/6/05</u>	

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Marlene H. Dorth, Secretary  
Federal Communications Commission  
June 2, 2005  
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Respectfully submitted,

HOGAN & HARTSON L.L.P.

By:

  
Marissa G. Repp

Attorneys for the San Francisco Unified  
School District

Enclosures

cc: KALW Public Inspection File

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C.**

In re Application of

**San Francisco Unified School District**

For Renewal of License for  
Station KALW(FM),  
San Francisco, California

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Facility ID No. 58830

File No. BRED-19970801YA

**AMENDMENT**

The San Francisco Unified School District, the licensee of Station KALW(FM), San Francisco, California, hereby amends the above-captioned application for renewal of license with the attached submission. The undersigned hereby certifies under penalty of perjury that the attached submission is true and correct.

Respectfully submitted,

**SAN FRANCISCO UNIFIED SCHOOL  
DISTRICT**

By 

Arlene Ackerman  
Superintendent

Executed: May 31, 2005

*Form 303-S is amended as follows:*

- Section II, Question 5: To date, there have been no adverse determinations of discrimination relating to employees of the applicant whose duties were primarily related to KALW.
- Section III, Question 1(b): The response is No. Commission records do not indicate that supplemental ownership reports for the licensee were filed within 30 days of each change in membership of the Board of Education, when such filing supplemental requirement was in effect, nor, once biennial filings were required (under rule revisions that became effective on February 19, 1999), were biennial ownership reports filed on a timely basis until 2001.
- Section III, Question 2: The response is No. The applicant has not throughout the applicable period placed in the KALW public inspection file at the appropriate times all the documentation required by 47 C.F.R. Section 73.3527. Prior to 2001, requisite ownership reports were not always timely filed in the public inspection file. Issues/programs lists: (a) have not always been timely filed within 10 days of the end of the calendar quarter; (b) have not always set forth all specified information, such as the listing of the issue of public importance addressed by the program; and (c) in the case of calendar year 1991, are not in file. The Broadcast Station Annual Employment Report on Form 385-B for 2000, while on file electronically with the FCC, File No. B395B-0001004ADN, was not in the KALW public inspection file; a copy has been printed from the FCC website and placed in the file. The public inspection file is required to include copies of, or a list of, documents specified in 47 C.F.R. Section 73.3615(d)(3), which in turn references contracts to be filed pursuant to 47 C.F.R. Section 73.3613. As an entity established by virtue of the Education Code of the State of California and the Charter of the City and County of San Francisco, the licensee does not have articles of partnership, association or incorporation, nor does it have bylaws. However, in an abundance of caution, a copy of the Board of Education Policy, Rules and Procedures (adopted, as amended, on August 24, 2004), which is also available on the SFUSD website, has been placed in the KALW public inspection file.

*Form 396 is amended as follows:*

- The current General Manager of KALW is responsible for implementation.
- Discrimination Complaints: A charge of discrimination was filed on October 2, 1997, by Michael Ellis Johnson with the California Department of Fair Employment & Housing (DFEH), Charge No. E9798A0452-00,

alleging that, due to alleged retaliation, he was denied a promotion at KALW on November 26, 1996. That proceeding was closed by DFEH notice dated October 10, 1997, at which time, pursuant to Mr. Johnson's request, DFEH issued a right-to-sue notice, permitting civil action within one year. To the best of SFUSD's knowledge, no such civil action was taken.

- Copies of the two most recent EEO public file reports for KALW are attached at Attachment A. These reports also are available on the KALW website.

# ATTACHMENT A

**2003 EEO PUBLIC FILE REPORT FOR KALW, San Francisco, CA**  
**March 10, 2003 through July 31, 2003**

- A. List of Full-Time Job Vacancies Filled (None)**
- B. List of Recruitment/Referral Sources Used to Fill Vacancies: N/A**
- C. Yearly Total Number of Persons Interviewed For All Full-Time Vacancies Filled During This Period: 0**
- D. Total Number of Interviewees Referred by Each Recruitment/Referral Source: 0**
- E. Summary Description of Supplemental Outreach Activities (Attached at end of 2004 Report)**



## List of Full-Time Job Vacancies Filled

[Complete this worksheet continuously every time a vacancy is filled]

For the 5- month period of March 10, 2003 through July 31, 2003:

**No job vacancies occurred during this period; therefore, no jobs were recruited for or filled during this period.**

Job Title: \_\_\_\_\_ Date Filled: \_\_\_\_\_

Job Title: \_\_\_\_\_ Date Filled: \_\_\_\_\_

Job Title: \_\_\_\_\_ Date Filled: \_\_\_\_\_

*Place in station's local public file annually on the anniversary date of the renewal filing due date. Post on station's web site, if applicable*

*Complete this worksheet after filling a vacancy. Use as many copies as necessary. Include as recruitment sources those local organizations that requested notice of vacancies.*

Job title for vacancy: \_\_\_\_\_ Date filled: \_\_\_\_\_

[illegible]

No recruitment sources were used because there were no job vacancies during this period.

*Place in station's local public file annually on the anniversary date of the renewal filing due date. Post on station's web site, if applicable.*

## Yearly Total Number of Interviewees

*Complete this worksheet on the anniversary date of the renewal filing due date using the Tally of Interviewee Sources for Each Full-Time Vacancy*

Yearly Period From: March 10, 2003 Through July 31, 2003

Total Number of Persons Interviewed for Full-Time Vacancies: 0 (zero)

No one was interviewed, because there were no full-time vacancies during this period.

## Yearly Total Numbers of Interviewees Referred by Each Recruitment Source

Recruitment Source Name	Total # of Interviewees
No recruitment sources were utilized during this period because no full-time vacancies occurred. No one was interviewed for any vacancy.	

*Place in station's local public file annually on the anniversary date of the renewal filing due date. Post on station's web site if applicable.*

**2004 EEO PUBLIC FILE REPORT FOR KALW, San Francisco, CA**  
**August 1, 2003 through July 31, 2004**

- A. List of Full-Time Job Vacancies Filled (None; but one internal promotion occurred)
- B. List of Recruitment/Referral Sources Used to Fill Vacancies: N/A
- C. Yearly Total Number of Persons Interviewed For All Full-Time Vacancies Filled During This Period: 0
- D. Total Number of Interviewees Referred by Each Recruitment/Referral Source: 0
- E. Summary Description of Supplemental Outreach Activities: (Attached)

## List of Full-Time Job Vacancies Filled

[Complete this worksheet continuously every time a vacancy is filled]

For the 12- month period of August 1, 2003 through July 31, 2004:

No job vacancies occurred during this period; therefore, no jobs were recruited for or filled during this period; however, one full-time employee was promoted from provisional to permanent status.

During this period, however, the General Manager, who had originally been hired with the status of "Provisional Employee Pending Civil Service Test" under the Civil Service rules of the City and County of San Francisco, was granted Permanent Employee Status. This General Manager, who is female and a member of an ethnic minority group, had originally been hired in March 2001, after a national search during which KALW recruited widely for this position. This change in status from Provisional to Permanent was an internal promotion. Recruitment is not required for internal promotions under Rule 73.2080 (c)(1) of the Commission's rules. Under civil service rules applicable to employees of the San Francisco Unified School District, however, a promotion to Permanent status could not take place unless the incumbent took and passed a civil service examination. Civil service rules also require that, whenever such an examination was given to a Provisional employee, the job must be posted and applicants permitted to take the examination. Therefore, in compliance with civil service rules, the Human Resources Department of the City and County of San Francisco posted the job of General Manager on May 18, 2004. Two other persons applied to take the examination, which was administered to the incumbent and these two candidates in May 2004. The incumbent provisional General Manager achieved the highest score on the examination and was thereafter promoted to Permanent Employee status on July 19, 2004. In good faith, KALW and its licensee, San Francisco Unified School District, consider this transaction one which should be treated as an internal promotion or other exigent circumstances, exempt from recruitment under the terms of Rule 73.2080(c)(1). The employee in question had originally been hired before the present FCC EEO rules took effect, furthermore, the station and licensee widely recruited for this position at that time, conducting a national search that lasted several months. The licensee considers this promotion to Permanent status well-deserved due to the incumbent's job performance and score on the civil service examination. The only reason the incumbent was required to take an examination, and that other candidates were permitted to also take the examination, was in order to meet the requirements of civil service rules. Despite their belief that this promotion is exempt from the rule, KALW and the School District nevertheless believe that, due to the specific circumstances of this promotion to disclose and explain to the Commission the special circumstances surrounding this particular internal promotion.

Job Title: \_\_\_\_\_ Date Filled: \_\_\_\_\_

## **List of Recruitment Sources Used to Fill Each Vacancy**

*Complete this worksheet after filling a vacancy. Use as many copies as necessary.  
Include as recruitment sources those local organizations that requested notice of  
vacancies.*

**No job vacancies requiring recruitment occurred during this period from August 1, 2003 through July 31, 2004. Therefore, this form was not needed during this period.**

Job title for vacancy: \_\_\_\_\_ Date filled: \_\_\_\_\_

[illegible]

*Place in station's local public file annually on the anniversary date of the renewal filing due date. Post on station's web site, if applicable.*

**Yearly Total Number of Interviewees and  
Total Number of Interviewees Referred by Source**

*Complete this worksheet on the anniversary date of the renewal filing due date using the Tally of Interviewee Sources for Each Full-Time Vacancy*

Yearly Period From: August 1, 2003 through July 31, 2004

Total Number of Persons Interviewed for Full-Time Vacancies: 0 (zero)

No one was interviewed, because there were no full-time vacancies requiring recruitment during this period.



## **Total Number of Interviewees Referred by Each Recruitment Source**

<b>Recruitment Source Name</b>	<b>Total # of Interviewees</b>
<b>No recruitment sources were utilized during this period because no full-time vacancies occurred. No one was interviewed for any vacancy.</b>	

*Place in station's local public file annually on the anniversary date of the renewal filing due date.*

*Post on station's web site if applicable.*

## Summary Description of Supplemental Outreach Initiatives

*Complete this form to summarize the activities compiled on the Description of Supplemental Outreach Initiatives worksheets. Stations required to engage in four initiatives should use an additional sheet to include remaining initiatives.*

**Two-year Period Beginning** March 10, 2003 and ending July 31, 2004:

During this period, KALW has had fewer than 10 but more than five full-time employees.

**First KALW Outreach Initiative:** Student internships: KALW has established and maintains an ongoing internship program for college students. Internship programs were in operation at KALW during both 2003 and 2004.

**Describe activities undertaken to fulfill that initiative:** KALW recruited for interns for the years 2003 and 2004 at the following institutions of higher learning: San Francisco State University (Broadcast and Communication Arts Department), City College of San Francisco, and UC Graduate School of Journalism. During this period, KALW hosted three interns, who worked in the following areas at the station: radio production, booking shows, helping producers, and development. This program presents KALW with the opportunity, in cooperation with these educational institutions, to conduct outreach to a diverse student population with an interest in radio and television employment. Through its internship program, the station provides a site for students to gain hands-on work experience at a noncommercial educational station. Students are able to learn how a radio station operates, as well as gain exposure to the various career opportunities available in broadcasting. Students also gain the opportunity to work with potential mentors among station employees. Areas in which students have worked include programming, marketing/development, research, production, and member/listener relations. The station intends to continue its participation in these internships and believes that such early contact will encourage students not only to consider careers in broadcasting in general, but to consider applying for jobs at KALW and other Bay-area radio and TV stations. The internship program is primarily supervised by William Helgeson, and the following KALW employee was also involved in this initiative: Dianne Keogh.

## **Second KALW Outreach Initiative: Outreach to Community Organizations and Groups**

**Describe activities undertaken to fulfill that initiative: KALW has participated in several activities sponsored by local community groups or local educational organizations. These include:**

- 1. . In the Autumn of 2003, KALW hosted a booth for two days at the *New California Media EXPO in San Francisco*. The New California Media EXPO is a consortium of over 400 minority-ethnic-language press organizations. Hundreds of people stopped by the KALW table and picked up KALW literature, business cards, etc. KALW personnel, including Nicole Sawaya, General Manager, and Dianne Keogh, provided information about jobs at KALW and public broadcasting in general.**
- 2.. In both 2003 and 2004, KALW employees staffed a booth at the *Stern Grove Festival in San Francisco*. This event was free to the public and culturally very diverse. Approximately 11,000 people attended the most recent event. This is a general community outreach initiative of KALW, which includes providing information about careers at KALW and in public broadcasting as part of a more general community outreach. The following KALW staff members participated in this event: Joe Burke, Nicole Sawaya, William Helgeson, Elaine Shem, and David LaTulippe.**
- 3. .On June 21, 2004, KALW participated in the Jewish Community Center's day-long symposium on Media and the Aging. At this event, also, the role of KALW staff was to provide information to symposium participants on how they could get involved at the station. The following KALW staff members participated in this activity: Nicole Sawaya and Holly Kernan.**
- 4. KALW is a "partner" in a non-profit organization called the Teen Environmental Media Network, which is headquartered in Marin County. This organization has for several years given high school students the opportunity to produce programming about environmental issues and learn about opportunities in broadcasting. Nicole Sawaya, KALW's General Manager, is a member of its Advisory Board. As a partner, KALW annually invites adolescent participants to the station to teach them about public radio and career opportunities in public radio in general and KALW in particular. These career days occurred during the spring of 2003 and 2004. Ms. Sawaya participates in this activity.**

**Third Initiative: Industry Job Fair:** In both 2003 and 2004, the General Manager of KALW, Nicole Sawaya, participated in the annual job information night of the Golden Gate Chapter of the American Women in Radio and TV. Ms. Sawaya was also a featured speaker on the AWRT program on March 10, 2004, along with other women who work in broadcasting in the San Francisco area. During the course of the evening, a significant rotation of young men and women came to the KALW table to discuss management of a public radio station, and career opportunities in public broadcasting, including KALW.

*Place in the public file and post on the station's website annually on the anniversary of the renewal filing date.*